IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A. No.3720 of 2004.
Date of decision : 25.9.2006.

Dalip Singh and another .....Appellants

versus

Sital Singh .....Respondent

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Sandeep K.Sharma, Advocate for the appellants.

-.-

ORDER

HEMANT GUPTA, J. (oral)

The plaintiffs are in second appeal aggrieved against the judgment and decree passed by the First Appellate Court dated 15.4.2004, whereby decree passed by the learned trial Court granting decree for damages on account of malicious prosecution in favour of the plaintiffs, was set-aside.

It is found that the plaintiffs have not alleging false implication by the defendant in connivance with Avtar Singh, due to party faction. Still further, the plaintiffs have not examined the Doctor who has medico legally examined the defendant to establish that the injuries suffered by the defendant were self inflicted.

In view of the fact that there is no evidence that injuries on the person of the defendant were self inflicted, it cannot be said that the prosecution against the defendant was malicious.

I do not find any any illegality or irregularity in the finding recorded by the First Appellate Court, which may raise any substantial question of law in the second appeal, for consideration of this Court.

Dismissed in limine.

(HEMANT GUPTA)
JUDGE

September 25, 2006.
**mohinder*